

Attachment B

Eatery (as per Section 1-16 of the Town Code)

A commercial enterprise located within a building or portion thereof set aside for the preparation and carry-out sale and/or eat-in service of food and beverages, excluding alcoholic beverages, and which has been approved by the Town Commissioners as a conditional use pursuant to Chapter 185 § 185-25D(1)(a)[4] of the Town Code:

- a. Alcoholic beverages shall not be served, nor shall foods containing or infused with alcohol be served.
- b. If indoor seating is provided, it shall be limited to a maximum of thirty-five (35) patrons.
- c. A minimum of one handicap unisex restroom shall be provided. Said restroom shall have unimpeded access directly from the public area of the eatery and not through the food preparation area or storage area.
- d. If outdoor or unenclosed tables or chairs are provided by the eatery, the hours of operation of the outdoor or unenclosed area shall not extend beyond 11:00pm.
- e. Outside loud speakers for the amplification of sound shall not be permitted.
- f. Portable toilets are prohibited.
- g. Hours of operation shall not be earlier than 6:00am and not after 1:00am.

Applicant's Statement (please complete ONE):

- I. The _____ is in compliance with all the above provisions and is applying for a Dewey Beach business license as an Eatery. The Fire Marshal occupancy limit is: _____.

Signature: _____ Date: _____

- II. The _____ was properly licensed for business in Dewey Beach prior to April 10, 1997, has been properly licensed every year since 1997, and is applying for a Dewey Beach business license to continue operations as a nonconforming eatery.
The Fire Marshal occupancy limit is: _____.

Signature: _____ Date: _____